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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/758,181	01/14/2004	Alexandre Kollep	112701-458	5601
29157	7590	04/18/2005	EXAMINER	
BELL, BOYD & LLOYD LLC P. O. BOX 1135 CHICAGO, IL 60690-1135			ALEXANDER, REGINALD	
			ART UNIT	PAPER NUMBER
			1761	
DATE MAILED: 04/18/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/758,181	Applicant(s) KOLLEP, ALEXANDRE	
	Examiner Reginald L. Alexander	Art Unit 1761	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 February 2005.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
4a) Of the above claim(s) 17-20 is/are withdrawn from consideration.
5) ☒ Claim(s) 1-6 is/are allowed.
6) ☒ Claim(s) 7, 8, 11 and 14-16 is/are rejected.
7) ☒ Claim(s) 9 and 10 is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

Election/Restrictions

Applicant's election of Group I in the reply filed on February 14, 2005 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 11 and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by Nello.

There is disclosed in Nello a coffee machine comprising: a water tank 12 connected to a pump 14 for pumping water to a heating element 17 which is itself connected to a brewing head 5 in which a cartridge of coffee 36 is brewed, a moveable closure 6 with a mechanism 8 for moving the closure from an open position to a closed position and vice versa, a coffee dispensing pipe 7 on the closure, a ring 32 to allow manual ejection of the used cartridges, and a receptacle upon which stacked containers can be held directly below the outlet.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cortese in view of English.

There is disclosed in Cortese a coffee machine comprising: a water tank 2, connected to a pump 4 for pumping water to a heating element 24 which is connected to a brewing head 16 in which a cartridge of coffee 29 is brewed, a movable closure 15 with a mechanism 14 for moving the closure from an open position to a closed position and vice versa, and a coffee dispensing pipe 56 associated with the closure. In so much as the claim defines a sliding jaw system, the piston arrangement disclosed in Cortese is readable thereon.

English discloses a coffee machine which operates from a low voltage power supply (car battery), the machine comprising, a controller 60 for operating a low heating element 52 when a beverage is to be dispensed and stops heating when a required temperature is reached and for switching off the heating element, the heating element configured to retain an amount of water sufficient to dispense a single beverage.

It would have been obvious to one skilled in the art substitute the controller of Cortese with the controller disclosed in English, in order to conserve energy during its use.

Claims 12, 15 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nello in view of English.

Nello, as discussed above, discloses all of the claimed subject matter except for a connection allowing for the reduction of power or elimination of power to the heater during use of the pump.

English discloses a coffee machine which operates from a low voltage power supply (car battery), the machine comprising, a controller 60 for operating a low heating element 52 when a beverage is to be dispensed and stops heating when a required temperature is reached and for switching off the heating element, the heating element configured to retain an amount of water sufficient to dispense a single beverage.

It would have been obvious to one skilled in the art substitute the controller of Nello with the controller disclosed in English, in order to conserve energy during its use.

Allowable Subject Matter

Claims 9, 10, 13 and 14 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 1-6 are allowed.

Response to Arguments

Applicant's arguments with respect to claims 7, 8, 15 and 16 have been considered but are moot in view of the new ground(s) of rejection.

Applicant's arguments filed February 14, 2005 have been fully considered but they are not persuasive. Applicant argues that the prior art fails to show an equivalent to the movable ring disclosed in the invention. In claim 7 there is no recitation that the ring is movable, there is merely recited a ring and its function. Nello discloses a ring which, if one intended, could be moved and used to perform the claimed function.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Reginald L. Alexander whose telephone number is 571-272-1395. The examiner can normally be reached on Monday-Friday.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Milton Cano can be reached on 571-272-1398. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

rla
April 14, 2005


Reginald L. Alexander
Primary Examiner
Art Unit 1761